



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

~~CONFIDENTIAL~~ In re Patent Application of

JEAN-CHRISTOPHE SIMON ET AL.

Application No.: 10/622,480

Filed: July 21, 2003

For: GONIOCHROMATIC/LIGHT
REFLECTIVE COSMETIC
MAKEUP COMPOSITIONS

Group Art Unit: 1617

Examiner: Gina C. YU

Confirmation No.: 4520

RESPONSE TO RESTRICTION REQUIREMENT AND ELECTION OF SPECIES

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Official Communication [Restriction Requirement] mailed on February 7, 2006. Attached herewith is a Petition for a One Month Extension of Time and corresponding fee, extending the period of response to April 7, 2006.

ELECTION OF GROUP I

In response to the Restriction Requirement set forth in the Official Communication mailed on February 7, 2006, the Applicant hereby elects **with traverse** the claims of Group I (claims 1-48), which are drawn to a composition.

The Applicant traverses the election of Group I for at least the following reasons. Under M.P.E.P § 803, a restriction is proper if the subject matter can be restricted into one of two or more claimed inventions, and these inventions are either independent (M.P.E.P § 806.04) or distinct (M.P.E.P § 806.05). However, the second element for a restriction requirement to be proper is that if the search and examination of an entire application can be made without serious burden, the examiner must examine the entire application on the merits, even though it includes claims to independent and distinct inventions.

The Applicant submits that a serious burden to examine the groups of claims has not been adduced. Moreover, all independent claims 1, 49, 53, and 55 have the goniochromatic coloring agent in common. Applicants respectfully submit that the inventions of Groups I-IV are closely related and that a proper search of any of the claims should, by necessity, require a proper search of the others.

Accordingly, the Applicant respectfully requests reconsideration of the restriction, withdrawal of the election and rejoinder of the claims of Group II-IV to those of Group I. The Applicant respectfully requests reconsideration of the restriction, especially given the additional species election, which greatly limits any purported burden on the Examiner.